Jefferson Township
Franklin County, Ohio

Regulations for Installing a Driveway Culvert and Making Excavations in the Township Roads or Rights-of-Way of Township Roads

1) PERMIT REQUIRED: A right-of-way excavation permit is required before placing, extending, or repairing any pipes, cables, wires, roadway structure or appurtenances, or for any other purposes requiring the use of or connection to a Township road or right of way of a Township road.

a) Exceptions.

   I) Mailboxes. Mailboxes that are approved by the U.S. Postal Service and mounted on breakaway posts are exempted from permit requirements.

   II) Emergency. In the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, provided that an application is made at the earliest possible opportunity, pursuant to R.C. §5571.16 and Section 6 of these Regulations.

   III) Utility Poles. No application or fee shall be required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, pursuant to R.C. §5571.16; but notice shall be provided to the township fiscal officer no later than three business days prior to the date of excavation.

b) Failure to obtain a permit. Failure to obtain a permit or failure to otherwise comply with these Regulations may result in prosecution and imposition of a fine, imprisonment, or both, pursuant to R.C. §5571.99.

2) LIABILITY: The issuance of a permit does not relieve the agency and its contractor from any liability, and the permit holder shall at all times indemnify and hold harmless Jefferson Township and its employees and officials against all claims from injury or damage to persons and property that may be asserted by any firm, person or corporation arising out of the use and occupancy of any part of the road and/or road right-of-way. The attached indemnification and hold harmless agreement must be completed and submitted with permit application.

3) PERMIT PLANS: Whenever excavation is to be performed within the right-of-way, all permit requests shall be accompanied by a plan of suitable size and clarity to show the nature of the work to be performed. Such plan shall show all existing utilities and topographic features, existing right-of-way and adjacent property lines. The utilities shall be shown on the plans as to horizontal and vertical alignment based on a diligent search of records. All conflicts with any utility facility shall be resolved to the satisfaction of the utility owner. Trench data is to include length, width and depth dimensions and indicate fill material to be used. Method of closure must also be shown. (Please request a copy of current filling and closing materials and procedures). Indicate if excavation is to occur in the pavement, sidewalk, driveway or grass areas. Make notation if a trench, push, bore or tunnel method is involved. Proposed work should be highlighted for easy identification.

   NOTE: Except for driveway culverts, Jefferson Township discourages the practice of enclosing natural or man-made swales and ditches with storm pipe in the Township. In most cases, permits will not be granted for such excavation work.

4) ROAD CLOSURE: Whenever the full closure of a road is needed, the agency or its contractor shall provide the Jefferson Township Service Department with a set of plans showing the proposed traffic control signs, detour route maps, notes, etc. Upon approval of plans, contractor must notify both the Jefferson Township Service and Fire departments at least five (5) working days prior to actual closure of the road.

5) RESTORATION: Whenever any person or agency has a permit to excavate in any roadway or right-of-way of any road or public way, the person or agency causing such excavation shall restore the same in such a manner and by the time as required by Jefferson Township. All road and driveway repairs shall conform to current county standards and specifications. Permanent repairs to any road, open-cut for the purpose of installing, extending or repairing any pipe, utility, wire, cable, conduit or any other repair, shall be made in accordance with current specifications approved by the Franklin County Engineer.
6) EMERGENCY REPAIRS: When any public agency, private utility company or contractor must excavate within the roadway to make emergency repairs for the safety and convenience of the public, the same shall request a permit the following business day. All permanent repairs shall conform to these regulations.

7) INSPECTION: Jefferson Township employees shall inspect the work performed under these permits. It is the permit holder’s responsibility to request inspections. If, in the opinion of the Jefferson Township Service Department Superintendent or the Jefferson Township Administrator, additional inspections are needed due to the size or nature of the work, the contractor shall place on deposit funds necessary to pay for said inspection services. If a deposit is required, the amount will be negotiated with the contractor.

8) TRAFFIC CONTROL: If traffic control devices are required, all such devices shall be furnished, erected, maintained and removed by the contractor in accordance with the Ohio Uniform Manual of Traffic Control Devices. Copies are available at the Ohio Department of Transportation, 1980 W. Broad St., Columbus, Ohio 43223; or ODOT District 6, 400 E. William St., Delaware, Ohio, 43015, or available for viewing or ordering on line at http://www.dot.state.oh.us/Divisions/Engineering/Roadway/DesignStandards/traffic/OhioMUTCD/

9) NEW PAVEMENT OR REPAVEMENT: No permit will be granted to open-cut new pavement or repavement of a road, except for the purpose of emergency repairs, until after three years from the completion of such new pavement or repavement. When any emergency repairs that require open cutting are necessary, the specifications of the Franklin County Engineer shall be followed when making permanent pavement repairs.

10) FEES: The fee for a permit to install a culvert or to make an excavation in a township highway or right-of-way of a Township highway shall be Fifty Dollars ($50.00) pursuant to R.C. §5571.16. In addition, a fee for plan review and inspection of all new work is as follows:
   a) $75 per property for abutting sidewalk repair or replacement if less than 20 properties are included in one application
   b) $25 per property for abutting sidewalk repair or replacement if 20 or more properties are included in one application
   c) $200 for all other installations or excavations in the rights of way of Township roads
   d) If full stand-by inspection is requested by the contractor, a fee will be negotiated which must be deposited with Jefferson Township Fiscal Officer prior to commencement of work
   e) Exception. No permit or fee is required if work involves only the installation of U.S. Postal Service approved mailboxes on breakaway posts.

If full stand-by inspection is requested by the contractor, a fee will be negotiated which must be deposited with Jefferson Township Fiscal Officer prior to commencement of work.

11) CONSTRUCTION DEPOSIT:
   a) In addition to the permit fee and the plans review and inspection fee, a deposit shall be required for the following:
      i) Open-cutting of pavement;
      ii) Construction of a commercial structure or structures with a single entry onto a Jefferson Township roadway.
   b) Refund Policy. No deposit shall be refunded if the construction does not meet the required standards, is in violation of these regulations, or is not carried out according to the application and approved permit. Deposits will be refunded if work is corrected within 30 days of initial inspection and the correction meets the standards and regulations. It is the applicant’s responsibility to request the inspection.

12) MATERIALS TO BE USED: All materials to be used shall be listed on the application for excavation in the right-of-way and shall be approved by the Jefferson Township Service Department Superintendent and/or the Franklin County Engineer.

13) SUBSTANDARD OR INCOMPLETE WORK: Substandard or incomplete construction or restoration will result in the forfeiture of the deposit in the amount required for Jefferson Township to complete, repair or restore the excavation at a rate of Fifty Dollars ($50.00) per hour plus materials.

   Severe nonconformance with these standards may result in the issuance of a stop work order
Jefferson Township
Application for Right-of-Way Excavation Permit

Permit: ROW - 2018 - Total Due $

Applicant: (Property owner or authorized agent)

Mailing address:

Contact name: Phone: ( )

Location of excavation/Construction site:

Address of site, or if no address, provide location map showing exact location of site

Lot: Subdivision: Parcel:

Construction dates – Estimated start: Estimated completion:

Nature of excavation and work to be undertaken:

1) Applicant agrees to provide and place such warning devices as are necessary to protect travelers on the road and to ensure their safety.

2) Applicant agrees to complete all work to be performed under this application as soon as reasonably possible and to completely restore the entire road and right-of-way to the condition that existed before such work was undertaken, in accordance with the Jefferson Township Right-of-Way Excavation Regulations.

3) Applicant agrees to notify the Jefferson Township Service and Fire departments, and all applicable utility providers of the right-of-way excavation and to obtain all required permits including, but not limited to, a road excavation permit from the Franklin County Engineer prior to the commencement of any work or excavation in the right-of-way.

4) Applicant agrees to indemnify and hold harmless Jefferson Township, its board of trustees, and all officers, employees and agents of Jefferson Township, for any loss or cost, liability, damage, claim, demand or cause of action arising from, under or connected with the excavations and work covered by this application. Applicant states that he or she has properly executed the attached indemnification and hold harmless agreement.

5) This application is accompanied by a Fifty Dollar ($50.00) fee (ORC §5571.16), and a plan review and inspection fee as specified in the Regulations for Work in the Township Roads or Rights-of-Way of Township Roads (excerpt below)

   a) $75 per property for abutting sidewalk repair or replacement if less than 20 properties are included in one application
   b) $25 per property for abutting sidewalk repair or replacement if 20 or more properties are included in one application
   c) $200 for all other installations or excavations in the rights of way of Township roads
   d) If full stand-by inspection is requested by the contractor, a fee will be negotiated which must be deposited with Jefferson Township Fiscal Officer prior to commencement of work
   e) Exception. No permit or fee is required if work involves only the installation of U.S. Postal Service approved mailboxes on breakaway posts.

6) Plans, as required by Jefferson Township, are attached to this application.
When constructing water/sewer or other utility lines, a permit from Jefferson Water and Sewer District, 6455 Taylor Road at (614) 864-0740 must be obtained and attached to this application.

A list of materials to be used in the excavation is attached to this application.

A security deposit in the amount of $____________________ shall accompany this application, as required.

Deposit required for:

a) Open-cutting pavement: $150 per square yard of pavement to be cut (Minimum deposit of $500)

b) Constructing new roadway/driveway to commercial structure $20,000 (bond, letter of credit, check)

c) If setting new poles for utilities (6 or more for overhead utility lines, 1 or more for underground utility lines [R.C. Section 5571.16]): $50 per pole

Security deposits shall not be refundable if it has been determined by inspection that the applicant has not met all conditions, standards and requirements contained in this application and in the Jefferson Township Right-of-Way Excavation Regulations. It is the responsibility of the applicant to notify Jefferson Township to schedule the inspection. No refund will be granted until an inspection has taken place and it has been determined by the responsible Jefferson Township official that the work has been completed to the required standards.

Persons failing to comply with the standards and regulations, or failing to obtain a permit, shall be notified in writing by Jefferson Township that they have 30 days from the date of notification to eliminate the violation and return the right-of-way to its original condition. Persons failing to come into compliance within the 30-day period will forfeit their deposit and may be prosecuted in Franklin County Environmental Court pursuant to Section 5571.99 of the Revised Code. The Jefferson Township Trustees will recommend to the Court that violators be ordered to eliminate the violation at the violator’s expense; or that the Court appoint a qualified company to remove the violation, and the costs of same be placed on the tax duplicate as a lien, to be collected with other taxes.

CERTIFICATION

Applicant certifies that he or she has read the Regulations for Installing a Driveway Culvert and Making Excavations in the Township Roads or Rights-of-Way of Township Roads and that the information provided on this Application for Right-of-Way Excavation Permit is true and complete.

Date: ___________________________ Signature of Applicant: ___________________________

(Must be signed by property owner or owner’s authorized agent)
Jefferson Township
Indemnification and Hold Harmless Agreement

Now comes the undersigned being _____________________________________________, (hereinafter the “Undersigned,“) and the Board of Township Trustees of Jefferson Township, Franklin County, Ohio, (hereinafter the “Township”) and enter into this Agreement on this ______ day of _____________________, 20________.

WHEREAS, The Undersigned desires to engage in excavation or construction activities within a Township roadway, pursuant to an application for such authority submitted to the Township, and

WHEREAS, the Township agrees to permit such excavation or construction activities but requires the execution of this Agreement pursuant to the Ohio Revised Code §5571.16,

NOW, THEREFORE, the Undersigned and the Township, in consideration of the mutual covenants and agreements, hereby agrees as follows:

The Undersigned agrees to indemnify and hold harmless the Township and each member of the Board of Trustees of the Township and each officer of said Board (and their heirs, executors, administrators and assigns) who is made a party or is threatened to be made a party to any litigation, action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he is or was a trustee, officer, employee or agent of the Board or is or was serving at the request of the Board against expenses, attorney’ s fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding in connection with any activity by the Undersigned, or his designee, employee, agent, assign or contractor permitted under this agreement including, but not limited to, any negligent or intentional act which results in any harm or damage to another or to property of another. The foregoing right of indemnification shall not be exclusive of other rights or remedies to which such Board or Township official, or their heirs, executors and administrators may be entitled.

IN WITNESS WHEREOF, we have set our hands on the date set forth above.

The Undersigned: Jefferson Township Board of Trustees:

By: By:

Title: Title:

Address: Address: 6545 Havens Road, Blacklick OH 43004

Authorized Representative of the Undersigned

Please Print Signature